

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH TRUGLIA,

Plaintiff,

vs.

TRANSUNION (OF DELAWARE) LLC,
EQUIFAX INFORMATION SERVICES, LLC,
and PROFESSIONAL DEBT MEDIATION INC,

Defendants.

ORDER

19 Civ. 5902 (ER)

RAMOS, D.J.:

On May 24, 2019, *pro se* Plaintiff Joseph Truglia filed a complaint against Defendants Transunion (of Delaware) LLC (“Transunion”), Equifax Information Services, LLC (“Equifax”), and Professional Debt Mediation Inc. (“Professional Debt Mediation”) in The Civil Court of the City of New York alleging violation of the Fair Credit Reporting Act. Doc. 1-1. Transunion subsequently removed the matter to this Court on June 24, 2019. Doc. 1. Counsel for Equifax and Professional Debt Mediation consented to removal, but counsel for Professional Debt Mediation never appeared. Docs. 1-2, 1-3.

On July 1, 2019, Transunion answered. Doc. 6. On July 16, 2019, Plaintiff moved to amend the complaint. Doc. 7. On July 23, 2019, Plaintiff filed a stipulation of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(ii) without indicating the Defendant to which the stipulation applied. Doc. 8. On July 26, 2019, the Court requested that Plaintiff identify to which Defendant the stipulation applied, and requested that Defendant’s counsel indicate whether they consented. Doc. 9. On August 12, 2019, Plaintiff informed the Court that the stipulation applied to Professional Debt Mediation. Doc. 10. On August 21, 2019, the Court

again asked counsel for Professional Debt Mediation to confirm whether they consented to dismissal. Doc. 11. To date, counsel for Professional Debt Mediation has not responded to the Court's inquiries regarding the stipulation, which were mailed the Professional Debt Mediation's last known address. Docs. 16, 17. On May 21, 2020, the Court entered the parties' stipulation to dismiss the claims against Equifax. Doc. 15.

On January 19, 2021, the Court issued an order to show cause why this case should not be dismissed for failure to prosecute. Doc. 18. On March 2, 2021, Plaintiff responded that he was awaiting the Court's decision on his request to amend the complaint and wished to proceed against only Transunion. Doc. 19.

Because counsel for Professional Debt Mediation has never appeared, and Plaintiff has requested that the case be dismissed as to Professional Debt Mediation, the Court dismisses the case as to Professional Debt Mediation pursuant to Fed. R. Civ. P. 42(a)(2).

The Court also grants Plaintiff's request to amend the complaint, which was filed within 21 days of Transunion's answer, pursuant to Fed. R. Civ. P. 15(a)(1)(B).

The Clerk of Court is respectfully directed to terminate the motion, Doc. 7, to terminate Professional Debt Mediation as a defendant, and to mail a copy of this Order to Plaintiff at

Joseph Truglia, 1759 Raleigh Court West, Apt. 91A, Ocean, NJ 07712.

It is SO ORDERED.

Dated: March 3, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.